

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

WILLIAM A. DEPARDO,
Plaintiff

V.

MFS/SUN LIFE FINANCIAL
DISTRIBUTORS, INC. d/b/a SUN LIFE OF
CANADA and TAC WORLDWIDE
COMPANIES,
Defendants

CIVIL ACTION NO. 04-10248-DPW

DEFENDANT, SUN LIFE OF CANADA'S
MOTION FOR LEAVE TO FILE REPLY BRIEF

The defendant, Sun Life Assurance Company of Canada ("Sun Life"), requests leave of Court to file a short Brief in Reply to Plaintiff's Opposition to Sun Life's Motion for Summary Judgment. As grounds for its motion, Sun Life states that contrary to this Court's scheduling order, the plaintiff chose not to file a cross-motion for summary judgment and merely opposed defendant's motion for summary judgment on November 3, 2004. Although not contemplated by the original scheduling order, a short reply brief is necessary to rebut the plaintiff's statement of facts and the contentions outlined in his opposition. A copy of Sun Life's Reply Brief is attached.

SUN LIFE OF ASSURANCE COMPANY
OF CANADA

By its attorneys,

/s/ Kristina H. Allaire

Joan O. Vorster, Esq., BBO #550375

Kristina H. Allaire, BBO #646001

Mirick, O'Connell, DeMallie & Lougee, LLP

100 Front Street

Worcester, MA 01608-1477

Phone: (508) 791-8500

Fax: (508) 791-8502

Dated: November 10, 2004

CERTIFICATE OF SERVICE

I, Kristina H. Allaire, hereby certify that I have this day served a copy of the foregoing document, by mailing a copy, first class mail, postage prepaid, to Nicholas S. Guerrero, Esq., Shaheen Guerrero & O'Leary, LLC, Jefferson Office Park, 820A Turnpike Street, North Andover, MA 01845 and Robert Shea, Esq., Morse, Barnes-Brown & Pendleton, P.C., Reservoir Place, 1601 Trapelo Road, Waltham, Massachusetts 02451.

/s/ Kristina H. Allaire

Kristina H. Allaire, Esq.

Dated: November 10, 2004